

**STATEMENT BY SENATOR DANIEL K. INOUE before the
House Subcommittee on Health, Committee on Veterans' Affairs
June 13, 2002**

Mr. Chairman and Members of the Committee:

May I commend you and members of the Committee for holding this hearing on the "Health Care for Filipino World War II Veterans Act." You will be pleased to know that I recently introduced a companion measure in the United States Senate. I also want to commend and thank your colleagues, in particular, Congressmen Bob Filner and Benjamin Gilman, for sponsoring the legislation and for their continued support of Filipino World War II veterans.

Many of you are aware of my continued advocacy on the importance of addressing the plight of Filipino World War II veterans. During the April recess, I had an opportunity to visit the Philippines in my capacity as Chairman of the Senate Appropriations Subcommittee on Defense. Upon landing at Manila Airport, I had my delegation immediately transported to Corrigador for the purposes of reminding ourselves that there was a time when Filipinos stood side by side with American soldiers to fight the common enemy, and that we fought and died together.

As an American, I believe the treatment of Filipino World War II veterans is bleak and shameful. The Philippines became a United States possession in 1898, when it was ceded from Spain following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act (Public Law 73-127), which provided a 10-year time frame for the independence of the Philippines. Between

1934 and final independence in 1946, the United States retained certain powers over the Philippines, including the right to call all military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

The Commonwealth Army of the Philippines was called to serve with the United States Armed Forces in the Far East during World War II, under President Roosevelt's July 26, 1941, military order. The Filipinos who served were entitled to full veterans' benefits by reason of their active service with our armed forces. Hundreds were wounded in battle and many hundreds died in battle. Shortly after Japan's surrender, the Congress also enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending Filipino troops to occupy enemy lands, and to oversee military installations at various overseas locations. These troops were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of these troops continued as a matter of law until the end of 1946.

Despite all of their sacrifices, on February 18, 1946, the Congress enacted the Rescission Act of 1946, now codified as Section 107 of Title 38 of the United States Code. The 1946 Act deemed that the service performed by these Filipino veterans would not be recognized as "active service" for the purpose of any U.S. law conferring "rights, privileges, or benefits." Among other things, Section 107 denies Filipino veterans access to health care, particularly for non-service connected

disability, and pension benefits. Section 107 also limits service-connected disability and death compensation to 50 percent of what is currently received by their American counterparts.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which duplicated the language that had eliminated Filipino veterans' benefits under the First Rescission Act. Thus, Filipino veterans who fought in the service of the United States during World War II have been precluded from receiving most veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

Also, in recognition of their contributions during World War II, the Congress, in March of 1942, amended the Nationality Act of 1940, and granted Filipino citizens the privilege of becoming United States citizens. The law expired on December 31, 1946. However, many Filipino veterans were denied the opportunity to apply for the naturalization benefit because of an executive decision to remove the naturalization examiner from the Philippines for a nine-month period. The nine-month absence of a naturalization examiner during the filing period was the basis of numerous lawsuits filed by Filipino World War II veterans. On July 17, 1988, the U. S. Supreme Court ruled that Filipino World War II veterans had no statutory rights to citizenship under the expired provisions of the Nationality act of 1940.

During the 101st Congress, I authored legislation that granted naturalization

to the Filipino World War II veterans. The bill was made a part of the Immigration Act of 1990, which was signed into law on November 29, 1990. Approximately 24,375 veterans took advantage of the naturalization provision, which expired in February, 1995. The naturalization benefit did not, however, confer any veterans' benefits.

Through the Health Care for Filipino World War II Veterans Act and other legislative measures, some strides have been made in correcting the injustices committed against Filipino veterans of World War II. However, more needs to be done to provide equal treatment for the service and sacrifice made by these brave individuals who are already in their twilight years. Of the 120,000 that served in the Commonwealth Army during World War II, there are approximately 59,899 Filipino veterans currently residing in the United States and the Philippines. According to the Department of Veterans Affairs, the Filipino veteran population is expected to decrease to approximately 20,000, or roughly one-third of the current population by 2010.

Throughout the years, I have sponsored several measures to rectify the lack of appreciation America has shown to those gallant men and women who stood in harm's way with our American soldiers and fought the common enemy during World War II. It is time that we, as a nation, recognize our long-standing history and friendship with the Philippines.

Heroes should never be forgotten or ignored; let us not turn our backs on

those who sacrificed so much. Let us now work to repay all of these brave men and women for their sacrifices by providing them the veterans' benefits they duly deserve.